

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-220511.2

DATE: December 13, 1985

MATTER OF: Peripheral Business Systems

DIGEST:

Protest involving the procurement of personal computers, which is also the subject of a protest pending before the General Services Administration Board of Contract Appeals (GSBCA), is dismissed in deference to the binding effect of a GSBCA decision on the federal agency involved, subject to appeal to the United States Court of Appeals for the Federal Circuit.

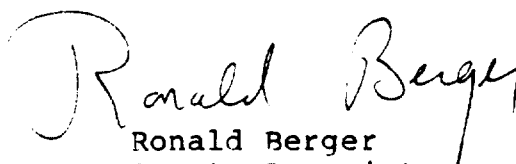
Peripheral Business Systems (PBS) protests the rejection of its proposal as technically unacceptable and the award of a contract to Computerland of San Diego under request for proposals (RFP) No. N66001-85-R-0295 issued by the Department of the Navy, Naval Ocean Systems Center (Navy), San Diego, California, for personal computers. PBS contends that it should be awarded the contract because its proposal complied with the specifications, was lower priced, and was not thoroughly evaluated by the Navy.

After PBS filed this protest with our Office, Computer Lines filed a protest on this same procurement with the General Services Administration Board of Contract Appeals (GSBCA) contending that there was a long delay in the issuance of the postaward notice, that its proposal was improperly rejected as technically unacceptable and that the contract award was not made to the lowest bidder. PBS and PML Systems, another interested party, intervened in the GSBCA proceedings. PBS was granted "permissive intervenor" status because it filed this protest with our Office. The General Services Administration also was granted intervenor status on the question of whether the Navy's procurement was properly authorized.

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Under our Bid Protest Regulations, after a procurement or proposed procurement is protested to the GSBICA, the same procurement may not be the subject of a protest to this Office while the protest is before the GSBICA. 4 C.F.R. § 21.3(f)(6) (1985). This language effectively provides that once the GSBICA has exercised jurisdiction, any protest to this Office involving the same procurement will be dismissed without consideration in deference to the binding effect of a GSBICA protest decision on the federal agency involved, subject to appeal to the United States Court of Appeals for the Federal Circuit. Comdisco, Inc., B-218276.2, Apr. 4, 1985, 85-1 C.P.D. ¶ 391; Resource Consultants, Inc., B-218634.2, Nov. 21, 1985, 65 Comp. Gen. ____, 85-2 C.P.D. ¶ ____.

The protest therefore is dismissed.



Ronald Berger
Deputy Associate
General Counsel